REMARKS

Claims 1-4, 11-26, 28-49, 51-64, and 66-74 were rejected by the Examiner.

Claims 1, 46, 60, and 61 are amended.

Claims 43, 58, and 73 are cancelled herein.

Claims 1-4, 11-26, 28-42, 44-49, 51-57, 59-64, 66-72 and 74 are pending after this amendment.

Claim Objections

The Examiner objected to claim 1, 46, 60, and 61 for use of the terms "the user interface" and "user interface" as used in line 2 of the claims, and suggested that each of these terms be changed to "a user interface". The Examiner further objected to claims 46, 60, and 61 because of use of the term "user interface" in lines 17, 14, and 16 of the claims, respectively, and suggested that each of these terms be changed to "the user interface". Applicants have amended the claims to comport with the Examiner's suggestions.

35 U.S.C. § 112 Rejections

Claims 1-4, 11-26, 28-49, 51-64, and 66-74 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and in particular for a lack of antecedent basis for "one of the application program" and "the plurality of different applications". The Examiner further stated that the element "the application markers" as used in the independent claims was unclear.

Independent claims 1, 46, 60 and 61 have been amended to recite "the computer system including a plurality of application programs," thereby providing antecedent basis for the elements "one of the application program" and "the plurality of different applications" as used in the independent claims. These claims have also been amended to recite "each application program marker associated with one of the plurality of application pro-

grams," thereby clarifying the meaning of "the application markers." Applicants therefore request that the Examiner withdraw these rejections.

35 U.S.C. § 103 Rejections

The Examiner rejected claims 1-4, 11-18, 22, 42, 43, 46-49, 51, 57, 58, 60-64, 66, 72, and 73 under 35 U.S.C. § 103(a) as unpatentable over Lanier et al. (U.S. Patent No. RE37,431 E) in view of Rodriquez (U.S. Patent No. 6,263,346 B1). The Examiner also rejected claims 25, 26, 28, 29 and 33 under 35 U.S.C. § 103(a) as unpatentable over Lanier in view of Rodriquez and further in view of Morrison (U.S. Publication No. 2003/0030668). Similarly, the Examiner rejected claims 24, 31, and 32 under 35 U.S.C. § 103(a) as unpatentable over Lanier in view of Rodriquez and further in view of Aleksander et al (U.S. Patent No. 7,080,321).

The independent claims recite elements related to configuring a user interface based on a user proficiency level determined from a weighted score. The score is based on stored weighted operating system markers and stored weighted application program markers. For example, amended independent claim 1 recites:

> storing a plurality of application program markers, each application program marker associated with one of the plurality of application programs, and indicating a user interaction with the associated one of the application programs;
> storing a plurality of operating system markers, each operating system marker indicating a user interaction with the operating system;
> **assigning weights** to each of the plurality of application program markers and each of the plurality of operating system markers;
> determining **a weighted score** as a function of a subset of the **weighted** operating system markers and a subset of the **weighted** application program markers;
> determining a user proficiency level with respect to the user interface of the software application and user interface of the operating system, based upon the weighted score; and
> automatically configuring at least one functional component of the user interface of the software application and at least one functional component of the user interface of the operating system responsive to the user proficiency level.

A plurality of application program markers are stored to indicate user interactions with various ones of the associated application programs. A plurality of operating system markers are stored to indicate a user interaction with the operating system. Weights are assigned to the application program markers and the operating system markers. A weighted score is determined based on a subset of the weighted operating system markers and a subset of the weighted application markers. A user proficiency level is determined based on the weighted score. The user interface of a software application and the operating system is automatically configured responsive to the user proficiency level. Thus, the claimed invention assigns weights to application program markers and operating system markers and determine a weighted score from on a subset of the application program markers and a subset of the operating system markers. Amended independent claims 46, 60, and 61 recite similar elements.

Lanier does not teach or suggest "assigning weights to each of the plurality of application program markers and each of the plurality of operating system markers" and "determining a weighted score as a function of a subset of the weighted operating system markers and a subset of the weighted application program markers" as recited by the independent claims.

Lanier monitors user-directed events and system states. (3: 14-15). The user-directed events and system states are then stored as data in a knowledge base. (3: 19-20). If a user requests help, then an inference engine tests known data against help system rules to provide a help tag. (3: 24-26).

However, Lanier does not teach or suggest **assigning weights** to each of the plurality of application program markers and each of the plurality of operating system markers as recited by the independent claims. Assigning weights to the application program markers and the operating system markers beneficially enables a more accurate determi-

nation of a user's proficiency level. For example, an <u>operating system marker</u> representing a user interaction in which the user accessed the a command line prompt to create and execute batch files or other scripts can be assigned a higher weight (indicating a higher user proficiency level, since it reflects a higher level of user sophistication) than an <u>application program marker</u> representing a user interaction in which the user merely clicked on an icon to access a user email account (an action which does not indicate higher proficiency level). Lanier by contrast would collect data about each of these events and then test this data against the help system rules. In other words, Lanier appears to assign an equal weight to both of these events even though the event represented by the operating system marker clearly indicates a higher level of sophistication than the event represented by the application program marker. Lanier therefore does not teach or suggest "**assigning weights**" to operating system and application program markers as claimed. There is no suggestion in Lanier that his help system rules would assign different weights to these events. Any such assumption or inference by the Examiner is simply not supported by the disclosure of Lanier, since there is <u>no mention whatsoever</u> of the term "weight" in Lanier.

Second, given that Lanier does not assign weights as claimed, it follows that Lanier also does not teach or suggest "determining a **weighted score** based on a subset of the weighted operating system markers and a subset of the weighted application program markers" as recited by the independent claims. Rather, Lanier uses a knowledge base of "rules" which are based solely on Boolean operators (AND, OR, NOT, IF, THEN, ELSE). (7:59-67). Lanier's FIGS. 10A-B show how the inference engine uses the rules. These rules are processed by attempting to "prove each rule's conclusion by proving its premise." (10:36-37). There is no mention that any of the rules (or any of the data) are "weighted" in any manner. Further, Lanier's "final output from the inference engine 340

is a help 'tag' that indicates a particular help solution." (10:60-62). Clearly then, Lanier's output is based entirely on "proving the rules", which do not make any use of "weights." Thus, there is simply no discussion or suggestion here of any step of "determining a weighted score" as claimed.

Rodriquez, Morrison, and Aleksander also do not teach or suggest "**assigning weights**" to the operating system markers and application program markers or determining "a **weighted** score" based on "**a subset** of the weighted operating system markers and **a subset** of the weighted application program markers" as claimed. Accordingly, the combination of Lanier with any of these references does not teach or suggest all elements of the independent claims, nor the claims that depend therefrom. The rejection of these claims under §103(a) should therefore be withdrawn.

Conclusion

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicant's representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
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